

UNITED STATES DISTRICT COURT  
SOUTHERN DISTRICT OF NEW YORK

U.S.D.C. SDNY  
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IN RE LIBOR-BASED FINANCIAL  
INSTRUMENTS ANTITRUST LITIGATION

) MDL No. 2262

THIS DOCUMENT RELATES TO:  
Case No. 12-CV-1025 (NRB)

) Master File No. 1:11-md-2262-NRB  
) ECF Case

~~[PROPOSED]~~ ORDER DIRECTING  
ENTRY OF PARTIAL FINAL JUDGMENT

WHEREAS, on December 20, 2016, this Court ruled that it has no personal jurisdiction over certain defendants and that Ellen Gelboim and Linda Zacher (“Bondholder Plaintiffs”) lack antitrust standing to assert their sole claims for relief, *see In re LIBOR-Based Fin. Instruments Antitrust Litig.*, No. 11 MDL 2262 (NRB), 2016 WL 7378980, at \*1 (S.D.N.Y. Dec. 20, 2016) (“*LIBOR VI*”), ECF 1676; and

WHEREAS, on April 27, 2017, pursuant to *LIBOR VI*, the Court entered final judgment as to the Schwab plaintiffs’ actions, *see* ECF No. 1877; and

WHEREAS, on May 12, 2017, the Schwab plaintiffs appealed the judgment entered against them on April 27, 2017, *see* ECF No. 1915; and

WHEREAS, the judgment in the Bondholder Plaintiff Action resulting from *LIBOR VI* was entered on May 19, 2017, pursuant to the “150-day rule” set forth in Fed. R. Civ. P. Rule 58(c)(2)(B), and was amended on June 27, 2017, in response to Bondholder Plaintiff’s motion, *see* ECF 1994, so that it no longer applies to settling Defendants Barclays Bank plc, HSBC Bank plc, HSBC Holdings plc, and UBS AG, and thus no longer dismisses the action as to all parties; and


WHEREAS, Bondholder Plaintiffs now seek entry of partial final judgment pursuant to Fed. R. Civ. P. Rule 54(b) in order to facilitate the prompt appeal of the dismissal of their action and the dismissal of foreign defendants, pursuant to *LIBOR VI*; and

WHEREAS, Bondholder Plaintiffs seek to raise on appeal issues that could be raised by the Schwab plaintiffs themselves on their appeal, including issues of personal jurisdiction and antitrust standing; and

WHEREAS, judicial efficiency would be served by permitting the United States Court of Appeals for the Second Circuit to consider Bondholder Plaintiffs' appeal along with the appeal by the Schwab plaintiffs and the appeals of any other plaintiffs as to whom the Court has granted or may hereafter grant a partial final judgment pursuant to Rule 54(b); and

WHEREAS, under these circumstances, there is no just reason for delay,

NOW, THEREFORE, IT IS HEREBY ORDERED AND ADJUDGED, that Bondholder Plaintiffs' request for relief under Rule 54(b) is granted, and for the reasons recited above, the amended judgment of June 27, 2017, dismissing the Bondholder Plaintiffs Action against all defendants other than settling Defendants Barclays Bank plc, HSBC Bank plc, HSBC Holdings plc, and UBS AG, is hereby designated a partial final judgment under Rule 54(b), and is hereby entered as such.

  
United States District Judge  
July 19, 2017